

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

FRIENDS OF ALASKA NATIONAL WILDLIFE REFUGES, et. al. v. RYAN ZINKE, et. al.
Case No. 3:18-cv-00029-TMB

By: THE HONORABLE TIMOTHY M. BURGESS

PROCEEDINGS: ORDER FROM CHAMBERS

On August 24, 2018, the State of Alaska filed a Motion for Leave to File an Amicus Brief with this Court.¹ The Court granted such request on August 28, 2018.² The State of Alaska thereafter filed its Amicus Brief in opposition to Plaintiff's Motion for Summary Judgment on August 29, 2018.³ The attorney from the State of Alaska who filed the Motion and the amicus brief is Thomas E. Lenhart.⁴

The Court *sua sponte* raises an issue involving 28 USC § 455(b) implicated by the recent appearance of the State of Alaska. The Court discloses that Mr. Lenhart is an attorney under the supervision of an immediate family member at the Alaska Department of Law and has supervisory authority over Mr. Lenhart. It is the Court's regular practice to not accept new cases where this immediate family member has supervisory authority over state attorneys to avoid conflicts and issues with recusal; here, the State of Alaska only recently filed an amicus brief. The problem is thus one which was only recently implicated and was not present at the commencement of this litigation.

Accordingly, the undersigned **HEREBY RECUSES** himself from this matter. This matter and the pending motions will be randomly reassigned to another district court judge in the District of Alaska.

Entered at the direction of the Honorable Timothy M. Burgess, United States District Judge.

DATE: October 4, 2018

¹ Dkts. 67, 68.

² Dkt. 69.

³ Dkt. 70.

⁴ See generally docket caption, 3:18-cv-00029-TMB.